

Linda Falk/R6/USEPA/US

04/10/2007 08:28 AM

To hdn34@dishmail.net

cc Mark Purcell/R6/USEPA/US@EPA

bcc

Subject Summary Thursday April 5 phone call Re: Fw: clean up

Good Morning Mr. Noes -

I was out for a couple of days and didn't have a chance to summarize last Thursday's phone call with yourself, Mark Purcell who works in our Superfund Program, and myself regarding your concerns about the residential soil cleanup in Hurley. When we spoke you indicated that the adjacent property to the east and the properties across the street and behind you had been cleaned up, but your yard is not targeted for cleanup. You also suggest that your yard must be contaminated, being in such close proximity to these other properties, and in your email you said you were concerned about whether the garden vegetables that you grow on your property are safe to eat.

As we discussed on the telephone call, the cleanup of residential properties in Hurley is being conducted by Chino Mine (Phelps Dodge) under the direct oversight of the New Mexico Environment Department (NMED). The NMED is the lead regulatory agency overseeing the Hurley cleanup. Although EPA is not the lead regulatory agency, it provides support to NMED on this project. Our Superfund Program (Mark Purcell) has reviewed draft work plans and conducted site visits with the NMED as part of this effort.

First and most important is that we recognize that the cleanup of the properties in Hurley can be somewhat confusing, especially when several of the yards around you are being cleaned up. We want to assure you that the cleanup of residential properties in Hurley is being conducted in a thorough manner, and is intended to be fully protective of the public's health and well being. The cleanup level for copper established by the NMED for the Hurley soils is a health-based level considered by EPA to be fully protective. All residential properties with copper concentrations above the cleanup level will be either completely or partially remediated (depending on the extent of contamination within each yard), assuming that the resident gives Phelps Dodge permission to do so. We also want to make every effort to ensure that you and other residents in Hurley understand what levels of copper contamination have been found on your property(ies), if any, and if those levels are above or below the established cleanup level.

The cleanup level established by NMED for copper is 5,000 parts per million (ppm). Because there is a margin of error of plus or minus 500 ppm in the analytical instrument used to measure the copper levels in soil, NMED decided to clean up all soils with copper concentrations above 4,500 ppm to ensure that the cleanup effort was protective. NMED also decided to analyze only the uppermost one inch of soil for copper contamination. Previous soil profiles performed in Hurley (analysis of soil from various depths) showed that most of the copper was present in the upper one inch of soil. If copper levels were found to exceed 4,500 ppm, the soil was removed in lifts of 4-6 inches. After each lift, the soil at the bottom of the excavation was resampled. If those results showed no further exceedances, the excavation work was stopped. If the results still showed exceedances of copper, another lift would be removed, and so on.

After the phone call, Mark contacted his counterpart at NMED, Mr. Chris Eustice, to discuss the results of the soil sampling performed in your yard and the surrounding properties. There were twenty two (22) soil samples analyzed on your property, including one adjacent to your garden. The samples were collected from the uppermost one-inch of soil. The results showed the copper concentrations for all 22 samples were below the 4,500 ppm cleanup level. The copper concentrations ranged from 477 to 4,331 ppm. The sample adjacent to your garden had a copper level of 1,695 ppm.

Mark indicated that the adjacent property to the east of you (No. 508D) had four (4) samples out of twenty that exceeded 4,500 ppm of copper. Of the four samples, two were located on the other side of the house (away from your property) along the fence line. The other two samples were immediately behind the house and at the back corner of the property adjacent to yours. Based on our discussions with you, it is our understanding that the entire back yard has been cleaned up, right up to the fence line.



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The properties behind your house (No. 507C) and across the street (No. 509D) both had significant numbers of samples exceeding 4,500 ppm copper. Property 507C had 21 out of 37 samples with elevated copper levels, while property 509D had six out of 18 samples.

It is also noted that the property adjacent to yours to the west (512D) had no copper concentrations above 4,500 ppm and the property across the street to the northwest (511D) only had one sample that exceeded 4,500 ppm of copper.

Mark noted that although the copper concentrations generally decrease the farther away from the smelter (the primary source of copper) a property is located, they also varied considerably across these properties. This observation was confirmed by NMED. Mr. Eustice from NMED indicated to EPA that the copper concentration variability in Hurley has something to do with post depositional activities that have taken place on a particular property. Over the years, some residential properties have been altered more than others by foot traffic, landscaping, lawn watering, gardening, erosion and wind, to name a few. Therefore, it is possible to have a property not requiring cleanup, even though it is surrounded by properties that require some degree of cleanup.

As we also mentioned on the call, all of this information is available for you to review. If you're interested in obtaining this information or wish to discuss the sampling results from your property, we suggest that you contact either Chris Eustice in NMED's Santa Fe office at 505-827-1046 or Mr. Phil Harrigan, who is located in NMED's field office in Silver City. The address of the field office is 1302A East 32nd Street, Silver City, NM, 88061. Mr. Harrigan oversees the field activities at Hurley. His telephone number is 505-388-1934. We would suggest that you call the Silver City office first and determine the hours it is open during the day. It is our understanding that Mr. Harrigan visits the site three or four times a week to observe the cleanup activities.

Mr. Noes we also mentioned to you that the NMED indicated that it would be willing to resample your property if you are still concerned that some contamination may have been missed.

Although you indicated in the call that you were not interested in any resampling effort offered by NMED, nor in obtaining a copy of the information, we wanted to summarize what was discussed with you and also want to make sure you that you have the appropriate contact information should you reconsider and want to talk with the NMED representatives overseeing this project.

Thank you for your time and if there's anything else we can do to assist you with this please let me or Mark know.

Linda

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04/04/2007 02:53 PM

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